

IN THE COURT OF COMMON PLEAS

2013 JAN 26 PM 2:15
SUMMIT COUNTY, OHIO

2013 01 0615

LARRY MODIC
1480 Manchester Road
Akron, OH 44314

Plaintiff,

vs.

CITY OF AKRON
C/O MAYOR DONALD PLUSQUELLIC
166 South High Street
Akron, OH 44308

Defendant

CASE NUMBER:

JUDGE: ASSIGNED TO JUDGE GALLAGHER

Complaint for
Declaratory Judgment and Injunction

"All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety. Ohio Constitution § 1.01."

INTRODUCTION

The City of Akron is a Home Rule city with the power to create and abolish City Departments. However, certain Departments are created and derive their powers by a vote of the people. These include the City of Akron Departments of Public Health, Public Safety, and Public Service. These Departments have specific and limited powers which can only be changed by a Charter Amendment.

However, the City of Akron, has attempted to change the powers of these departments and reassign their powers without the required vote to change the City Charter. This has resulted in an attempt by the City of Akron to demolish a private citizens house in violation of the State of Ohio Constitution and the Akron City Charter and Ordinances.

THE PARTIES AND THE NATURE OF THIS ACTION

1. Plaintiff, Larry Modic is a resident of Akron and a retired Army Sergeant.
2. Defendant City of Akron is a municipal corporation organized and operating pursuant to its Charter and Ordinances, Ohio law and the Constitution of the United States.
3. Modic seeks a Declaratory Judgment that Akron's Department of Public Service and Department of Neighborhood Assistance have no authority to enforce sanitation, building, and housing codes or Orders that are issued by, or are exclusively the province of, the City of Akron Health District and/or The City of Akron Building Department.
4. Modic seeks a permanent injunction barring demolition of his house based on Orders issued by the Department of Public Service and/or the Department of Neighborhood Assistance.

STATEMENT OF FACTS

5. John Eberhardt, a City of Akron Health Department Sanitarian, issued repair orders on this property on May 28, 2003. Since then, there were reinspections, revised orders, and administrative penalties imposed against the property. Ex. 1.
6. On May 31, 2012, Larry Modic purchased the property from John Hufnagel. Ex. 2.
7. Larry Modic intended for the property to be his principal residence and began to make needed repairs. Id.
8. On June 11, 2012, Larry Modic was informed by a city employee by telephone that the City Health Department had issued orders to comply with the Akron Environmental Housing Code on March 4, 2008. Ex. 3.
9. The Orders are attached as Ex. 4.
10. On July 5, 2012, The Department of Public Service posted on the house a Notice of Administrative Hearing scheduled for July 17, 2012 at the Morley Health Center. Ex. 5.

11. Larry Modic attended the hearing and was granted an extension of time to further comply with the Orders until September 18, 2012. Ex. 6.
12. The hearing notes indicate that, by July 17, 2012, Modic had begun work on the property: the electric was turned on; the roof was patched; the old carpeting was removed; and the back yard was partly cleaned up. *Id.*
13. On August 9, 2012, Jodie Forester, an employee of the Department of Neighborhood Assistance, sent Modic an email listing items that needed to be repaired. Ex. 7.
14. On September 6, 2012, the Department of Public Service posted another Notice of Administrative Hearing scheduled for September 18, 2012. Ex. 8.
15. Modic did not attend that hearing and the Department of Public Service issued a Notice of Demolition on September 19, 2012. Ex. 9.
16. The Demolition Notice was signed by Jodie Forester of the Department of Public Service, Customer Service Division; her signature indicated she was a Registered Sanitarian. *Id.*
17. On September 20, 2012, the Department of Neighborhood Assistance sent Modic a Notice of Demolition by certified and regular U.S. Mail. Ex. 10.
18. The Demolition Order was a boilerplate form with blank lines for the case number, the property address, the date, and for signatures. Ex. 11.
19. On January 11, 2013, the City of Akron Law Department sent Modic a Notice of Imminent Demolition on or after January 16, 2013. Ex. 12.
20. On January 16, 2012, Akron police entered Modic's home and found loaded guns, ammunition, military-style Meals Ready to Eat, and a flak jacket. See Akron Beacon Journal, January 18, 2013.
21. On January 17, 2012, Modic was picked up by Akron police and admitted to Portage Path Psychiatric Emergency Services facility in Akron.

22. On or about January 19, 2012, Modic admitted himself into the VA Hospital at Wade Park.

23. Modic is being treated at the VA Hospital.

a. AKRON DEPARTMENTS AND HOUSING CODE ENFORCEMENT

24. Housing Code Enforcement is governed by state and local laws.

25. In the last 4 years, Akron's Department of Public Health, Department of Public Service, and Department of Neighborhood Assistance have enforced the Housing Code against the property.

26. The Department of Public Health was granted specific police power by the City Charter to address public health and sanitation within the city limits. Akron City Charter § 81, Ex. 13.

27. Its authority to regulate health related housing issues is granted by the Akron City Charter and State Law.

28. The Department of Public Service also derives its authority from the City Charter and is limited to "...manage and supervise all public improvements, works and undertaking...." Akron City Charter § 65, Ex. 14.

29. The people of Akron have not granted it any police powers, nor authority to enforce housing codes, health codes, or building codes against private citizens. *Id.*

30. The passage of Ordinance 14-2010 was an attempt by Akron City Council to give the Department of Public Service additional powers. Ex. 15.

31. Ordinance 14-2010 is void because there has never been a popular vote to revise the Department's powers.

32. The Department of Neighborhood Assistance is not established by Charter and, unlike the Department of Public Health and the Department of Public Safety, it has no police power to enforce housing or building codes. Akron Code of Ordinances (“ACO”) § 31.39. Ex. 16.
33. Furthermore, the Department of Public Service and the Department of Neighborhood Assistance have no authority to enforce Orders issued by the Department of Public Health.

b. AKRON VIOLATES ITS OWN LAWS

34. Akron’s Housing Code is found at ACO § 150 et seq.

35. Pursuant to that code:

“Whenever the Housing Inspector determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the person responsible therefor and order compliance, as herein provided. The notice and order shall: 1) Be put in writing on an **appropriate form as the Department of Neighborhood Assistance shall determine**; 2) Include a list of violations, refer to the sections and subsections violated and order remedial action which will effect compliance with the provisions of this chapter; 3) Specify a reasonable time within which to comply; and 4) Be served on the operator, owner or occupant personally or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address or the building affected.

36. Modic was never given a form approved by the Department of Neighborhood Assistance.
37. Instead, until September 2012, Modic was served papers by the Service Department which has no authority to enforce the Akron Housing Code.
38. Finally, the Housing Appeals Board is required by ACO 150.051 to hold a hearing:

“from which it will make **written findings of fact from the testimony** offered as to whether the dwelling or premises is unfit for human habitation or use; and issue an order based upon the findings of fact made, commanding, if proper, that the dwelling or premises in violation must be demolished within thirty days. This order shall be served on all persons specified in subsection 1 of this section. The order shall state that the dwelling or premises will be demolished by the city, and that there is a right to appeal the Board's order pursuant to Revised Code Chapter 2506.”

39. The Housing Appeals Board made no written findings of fact based on testimony particular to Modic's house. Instead it issued "findings of fact" in fill in the blanks, boilerplate form.

Ex. 11.

40. There is nowhere on the form to plug in particularized facts as required by Akron's laws.

WHEREFORE, Plaintiff prays as follows:

- For a declaratory judgment that Modic was not properly served with a list of violations in the manner provided by the Akron Housing Code.
- For a declaratory judgment that the Department of Public Service lacks authority to enforce Orders issued by the Department of Public Health.
- For a declaratory judgment that the Department of Neighborhood Assistance lacks authority to enforce Orders issued by the Department of Public Health.
- For a declaratory judgment that only the City of Akron Department of Health and Department of Public Safety have the authority to condemn private homes for sanitary or structural reasons.
- For a permanent injunction prohibiting enforcement of the Akron Housing Code by the Department of Public Service.
- For a permanent injunction prohibiting enforcement of the Akron Housing Code by the Department of Neighborhood Assistance.
- Prohibiting enforcement of the Orders at issue in this case.

- For such further relief as is necessary and/or appropriate including costs and attorney fees.

Respectfully submitted,



WARNER MENDENHALL, #0070165

190 North Union Street, Suite 201

Akron, OH 44304

(330) 535-9160; fax (330) 762-9743

warnermendenhall@hotmail.com

COUNSEL FOR PLAINTIFF

5/28/03 Original inspection performed by Sanitarian John Eberhardt for the Mandatory Inspection program.

6/4/03 Orders issued to the owner of record (John Hufnagel).

6/6/03 Certified mail claimed.

8/13/03 Property reinspected by Sanitarian John Eberhardt showing no progress.

8/20/03 Sanitarian John Eberhardt called the owner. Mr. Hufnagel stated the tenants moved out and he will get the repairs done.

8/27/03 Notice to appear for a Prosecutor's Hearing sent.

9/11/03 Letter sent for failure to appear at the Prosecutor's Hearing.

9/24/03 Property reinspected by Sanitarian Supervisor Jodie Forester showing no progress. Property now occupied.

9/25/03 Detailed list of all remaining repairs sent to Mr. Hufnagel.

11/10/03 Property reinspected by Sanitarian John Eberhardt showing no progress.

12/2/03 Property reinspected by Sanitarian John Eberhardt showing no progress.

12/3/03 File noted that the water was not on at the property.

12/4/03 Utility restoral order issued to the owner of record (John Hufnagel).

12/5/03 Order posted at the property.

12/8/03 File noted that the water was restored.

12/30/03 Administrative Penalty of \$100 was issued for non-compliance.

12/31/03 Administrative Penalty order posted at the property.

2/4/04 Administrative penalty of \$100 was assessed.

2/6/04 Property reinspected by Sanitarian John Eberhardt showing no progress.

3/25/04 Property reinspected by Sanitarian John Eberhardt showing no progress.

3/30/04 Administrative Penalty of \$500 was issued for non-compliance.

3/30/04 Administrative Penalty order posted at the property.

5/11/04 Administrative Penalty of \$500 was assessed.

5/18/04 Mr. Hufnagel came into the office and discussed the file with Sanitarian Supervisor Jodie Forester. He agreed to make significant progress in the next 60 days.

8/25/04 Property reinspected by Sanitarian John Eberhardt showing progress. The water had been turned off due to non-payment and possible meter tampering.

8/26/04 Water restoral order issued to the owner of record (John Hufnagel).

8/26/04 Order posted at the property.

8/30/04 Mr. Hufnagel called in and stated that he would have the water back on by the next day and scheduled an inspection for 8/31/04.

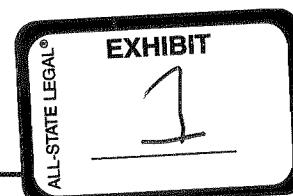
8/31/04 Property reinspected by Sanitarian John Eberhardt showing minimal progress.

9/1/04 File noted that the water was scheduled to be restored today.

9/3/04 Administrative Penalty warning letter sent.

4/5/05 Mr. Hugnagel appeared for a Prosecutor's hearing on all of his properties. He stated that he intends to file the Land Contract for this property.

5/1/06 Mrs. Wilkerson called in and stated that she was now managing Mr. Hufnagel's properties and would see that they were all brought up to code.



5/26/06 Property reinspected by Sanitarian John Eberhardt showing minimal progress.

6/13/06 Administrative Penalty warning letter sent.

2/12/07 Property reinspected by Sanitarian John Eberhardt showing no progress.

3/29/07 Sanitarian John Eberhardt called Mr. Hufnagel. An appointment was scheduled for 3/30/07.

3/30/07 Property reinspected by Sanitarian John Eberhardt showing minimal progress.

4/9/07 Administrative Penalty of \$1000 was issued for non-compliance.

4/11/07 Administrative penalty order posted at the property.

5/30/07 Mr. Hufnagel called in requesting an extension. He promised that the work would be complete by the end of July.

8/20/07 Administrative penalty of \$1000 was assessed.

1/25/08 Sanitarian John Eberhardt called Mr. Hufnagel and scheduled an inspection for 1/29/08.

1/29/08 Property reinspected by Sanitarian John Eberhardt showing minimal progress.

1/31/08 Property reinspected by Sanitarian John Eberhardt showing minimal progress.

3/4/08 Revised orders issued to the owner of record (John Hufnagel).

3/7/08 Orders posted at the property.

11/13/08 Sanitarian John Eberhardt called Mr. Hufnagel and scheduled an inspection for 11/21/08.

11/21/08 Property reinspected by Sanitarian John Eberhardt showing no progress.

12/5/08 Administrative penalty warning letter sent.

1/14/09 Mr. Hufnagel called in and left a message.

1/16/09 Sanitarian John Eberhardt called Mr. Hufnagel. He requested another extension.

6/5/09 Sanitarian John Eberhardt called Mr. Hufnagel to schedule an inspection.

~~Mr. Hufnagel would not schedule an inspection.~~

6/22/09 Property reinspected by Sanitarian John Eberhardt showing no progress.

10/15/09 Administrative Penalty of \$100 was issued for non-compliance.

10/20/09 Administrative penalty order posted at the property.

12/3/09 Administrative Penalty of \$100 was assessed.

6/7/11 Property reinspected by Housing Administrator Duane Groeger showing no progress.

6/14/11 Administrative Penalty warning letter sent.

12/29/11 New complaint received.

4/24/12 New complaint received.

4/26/12 Property reinspected by Housing Administrator Duane Groeger showing no progress.

4/26/12 File referred for review by the Housing Appeals Board.

6/11/12 Lawrence Modic called in and stated that he purchased the property. An appointment was scheduled for 6-15-12.

1480 MANCHESTER ROAD – SYNOPSIS

6/15/12 Property reinspected by Sanitarian Supervisor Jodie Forester showing no progress. Mr. Modic was present. Ms. Forester explained why the property was being considered for demolition and the Housing Appeals Board process.

6/19/12 The Housing Appeals Board granted an extension until the 7/17/12 meeting.

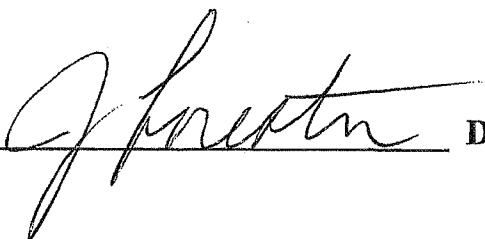
7/16/12 Property reinspected by Sanitarian Supervisor Jodie Forester showing progress.

7/17/12 Housing Appeals Board granted an extension until the 9-18-12 meeting.

8/8/12 Mr. Modic called in and left a message requesting a list of the remaining repairs be e-mailed to him.

8/9/12 List of repairs e-mailed to Mr. Modic.

Reviewed:



Date:



REAL PROPERTY CONVEYANCE FEE STATEMENT OF VALUE AND RECEIPT

If exempt by O.R.C. 319.54 (F) (3), Use DTE Form 100 EX
FOR SUMMIT COUNTY AUDITOR OFFICE USE ONLY

TYPE INSTRUMENT <u>WD</u>	TAX LIST YEAR <u>2012</u>	COUNTY NUMBER <u>77</u>	TAX DIST. NUMBER <u>3010</u>	DATE <u>31 MAY 2012</u>
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PARCEL AND ROUTING NOS. 05-00769-03-018-000 67-48273
05-00769-03-009-000 67-48271
05-00769-03-019-000 67-48272

AUDITOR'S COMMENTS:

 SPLIT NEW PLAT NEW IMPROVEMENTS PARTIAL VALUE
 C.A.U.V. BUILDING REMOVED OTHER

GRANTEE OR REPRESENTATIVE MUST COMPLETE ALL QUESTIONS IN THIS SECTION

Type or Print All Information with black ink pen See Instructions on Reverse

1. Grantor's Name JOHN W. HUFNAGEL Phone:

2. Grantee's Name LAWRENCE L. MODIC Phone:

2. (a) Grantee's Address 2002 MORRISON AVE, LAKEWOOD, OH 44107 Apt. #18

3. Address of Property 1480 MANCHESTER ROAD, AKRON, OH 44314

4. Tax Billing Address 1480 MANCHESTER ROAD, AKRON, OH 44314

5. Are there buildings on the land? ☒ Yes ☐ No. If yes check type: 1 2 or 3 Family Dwlg.
 Condominium Apartment: No. of Units
 Manufactured (mobile) Home Farm Buildings Other:

If land is vacant, what is intended use?

6. Conditions of Sale (Check all that apply): Grantor is Relative Part Interest Transfer Land Contract
 Trade Life Estate Leased Fee Leasehold Mineral Rights Reserved Gift
 Grantor is Mortgagee Sheriff Sale Other NA

7. a) New Mortgage Amount (if any) \$
b) Balance Assumed (if any) \$
c) Cash (if any) \$
d) Total Consideration (Add line 7a, 7b and 7c) \$ 10,000.00
e) Portion, if any, of total consideration paid for items other than real property \$
f) Consideration for real property on which fee is to be paid (7d minus 7e) \$ 10,000.00
g) Name of mortgagee
h) Type of Mortgage Conv. F.H.A. V.A. Other:
i) If gift, in whole or part, estimated market value of the real property \$

8. Has the grantor indicated that this property is entitled to receive the senior citizen, disabled person, or surviving spouse homestead exemption for the preceding or current tax year? Yes ☒ No If yes, complete DTE Form 101.

9. Has the grantor indicated that this property qualified for current agricultural use valuation for the preceding or current tax year? Yes ☒ No If yes, complete DTE Form 102.

10. Application for 2 1/2% reduction (NOTICE: failure to complete this application prohibits the owner from receiving this reduction until another proper and timely application is filed): Will this property be grantee's principal residence by January 1 of next year? ☒ Yes No
If yes, is the property a multi-unit dwelling? Yes ☒ No

I DECLARE UNDER PENALTIES OF PERJURY THAT THIS STATEMENT HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS A TRUE, CORRECT AND COMPLETE STATEMENT.

New Market Title 5/31/12
SIGNATURE OF GRANTEE OR REPRESENTATIVE DATE

NUMBER 7315
NO. OF PARCELS 00003
DTE CODE NO. 500
NEIGH. CODE 30100 257
NO. OF ACRES .09
LAND VALUE 7480
BLDG VALUE 15330
TOTAL VALUE 22810
DTE USE ONLY
DTE USE ONLY
DTE USE ONLY
CONSIDERATION 10000.00
DTE USE ONLY VALID SALE
1. YES 2. NO
SUMMIT COUNTY USE ONLY
5
ARMS LENGTH
YES NO
USEABLE
YES NO
1 MILL 10.00
3 MILL 30.00

40.00

RECEIPT FOR PAYMENT OF CONVEYANCE FEE

THE CONVEYANCE FEE REQUIRED BY SECTION 319.54(G) (3) O.R.C., AND, IF APPLICABLE, THE FEE REQUIRED BY CHAPTER 322 O.R.C., IN THE TOTAL AMOUNT OF \$ 41.50 HAS BEEN PAID
by GRANTEE OR REPRESENTATIVE and received by the COUNTY AUDITOR

SALES CONTRACT REQUIRED



Kristen Scalise, Summit Co Fiscal Office
AUDITOR DIVISION

95301671
Pg: 1 of 1
05/31/2012 03:56P
CONVEY 0.00



Modic-00006

20679

629

1480 Manchester Rd 9,

31980

22

COMPLAINT #

ADDRESS

Ward #1

OWNER #

DATE 6-11-12 TIME 1:25

In Person / By Phone In / Out - Phone 216-224-4218

PERSON CONTACTED Lawrence Modic

Occupied Rental / Owner Occupied / Vacant-Secure/Open / HAB / Foreclosure

Purchased the property - repaired - title transferred 5-31-12.
 He bought, app is 110 & is flipping it up to more info.
 Explained HAB. Apt scheduled for 6-15-12 @ 11:00 AM.
 6-15-12 Hole in wall at front, loose & missing shingles,
 trim, spint, exposed fascia, jetbit, retaining wall of
 at driveway, install handrail to ft. service stairs,
 missing gutters & downspouts, ft. porch floor supports,
 ft. porch floor supports, ft. porch floor supports,
 at wingwall, sidewalk, driveway, tarp & scrubber,
 Recommendation Broken windows, replace rear steps, missing
 Sanitarian storms & screens.
 Supervisory Review 3 car garage - upper left ft wall, it ft wall, doors, jpk
 Next Reinspection Date 6-19-12

144

4, 7, 12

San# 53

Code

Date

Notes

Code

Date

Notes

San#

Code

Date

Notes

San#

7/9/12: faxed copy of orders dated 3/4/08 to Rita W-1
 PRIORITY 1 2 3

DATE TIME

In Person / By Phone - In / Out - Phone

PERSON CONTACTED COST.

Occupied Rental / Owner Occupied / Vacant-Secure/Open / HAB / Foreclosure

Kitchen - sink, countertop, floor, hole in ceiling, loose
 outlet, missing vent fixture in kitchen, north.
 Bath - sink, replace all carpeting, remove tile ft. floor,
 door knobs, smoke detector, missing weatherstripping,
 handrail to 3rd floor, Bathroom - shapers, bathroom
 floor, ceiling, plumbing supply lines, ceiling
 in left ft. bathroom, repair, add air returns,
 install duct work, open elec boxes in basement,
 install furnace & hot H₂O tank (permits),
 check sewer stack, fix chimney, clean & seal
 foundation walls.

Recommendation

Sanitarian

Supervisory Review

6-19-12 @ HAB Mr. Modic

Next Reinspection Date 7-17-12

110

6.15.12

San# 53

Code

Date

Notes

Code

Date

Notes

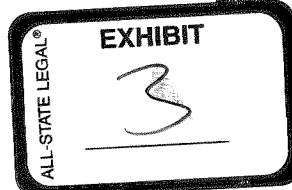
San# 53

Code

Date

Notes

San#



PRIORITY

1

2

3

Modic-00007

AKRON HEALTH DEPARTMENT - MORLEY HEALTH CENTER
177 South Broadway Street, Room 314, Akron OH 44308 (330) 375-2366

ORDERS TO COMPLY WITH THE AKRON ENVIRONMENTAL HOUSING CODE

Method of Service: Post		Program: Mandatories	Complaint #: 629
Subject Property: 1480 Manchester Rd.		Inspection Date: 1/31/08	
Number of Units: 1	Number of Occupants: 6	Type: Rental	Registered: Yes 2007
ORDERS SERVED TO Owner NAMED BELOW			
Owner: John W. Hufnagel	Address: 1439 Rockaway St. Akron, OH 44314	Phone: 330-618-9007	

SANITARIAN: John D. Eberhardt, Jr., R.S. 3/4/08 DATE

POSTED
3-7-08

By authority of the Akron Environmental Health Housing Code, Chapter 150, your attention is directed below with orders. **INFORMATION CONCERNING PENALTIES, RENTAL UNITS, APPEAL RIGHTS, THE BUILDING CODE, LICENSES AND PERMITS AND THE FIRE PREVENTION CODE ON REVERSE SIDE.**

~~The City of Akron Health Department, Housing Division, does not discriminate in administering programs or providing services. A copy of the Housing Division's Disability Accommodation Policy and/or Request for Accommodation Form will be provided upon your request.~~

COMPLY WITH BELOW ORDERS BY 4/18/08 UNLESS OTHERWISE NOTED.

1. **150.09(D)**
The wiring does not meet the regulations of Section 150.09 of the Akron Health Housing Code and must be corrected. All repairs must be done in accordance with the Akron Electrical Code with necessary permits. Consult a licensed electrical contractor to have the necessary work performed.
2. **150.10(C)**
Have existing plumbing fixtures and appurtenances put in a good state of repair.
3. **150.10(A)(1)**
Repair walls and ceilings where necessary.
4. **150.10(B)**
Provide / secure handrails where necessary.
5. **150.10(A)(3)**
Have interior window components put in a good state of repair.
6. **150.10(A)(3)**
Replace broken or missing window glass.
7. **150.10(A)(1)**
Repair roof where necessary.
8. **150.10(A)(2)**
Repair / replace gutters and downspouts in an approved manner.
9. **150.10(A)(3)**
Have exterior doors and windows made weather-tight & put in a good state of repair.
10. **150.10(A)(1)(4)**
Repair or replace siding and trim where necessary.
11. **150.10(B)**
Repair or replace porch floor(s), steps, rail and roof supports where necessary.
12. **150.10(A)(4)**
Clean and properly protect all exterior structural surfaces by painting or use of other approved protective covering.
13. **150.10(A)(1)**
Repair, replace or provide foundation where necessary.



AKRON HEALTH DEPARTMENT - MORLEY HEALTH CENTER
177 South Broadway Street, Room 314, Akron OH 44308 (330) 375-2366

ORDERS TO COMPLY WITH THE AKRON ENVIRONMENTAL HOUSING CODE

Method of Service: Post	Program: Mandatories	Complaint #: 629
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Subject Property: 1480 Manchester Rd.			Inspection Date: 1/31/08
Number of Units: 1	Number of Occupants: 6	Type: Rental	Registered: Yes 2007

ORDERS SERVED TO Owner NAMED BELOW			
Owner: John W. Hufnagel	Address: 1439 Rockaway St. Akron, OH 44314	Phone: 330-618-9007	

POSTED
3-7-08

SANITARIAN: John D. Eberhardt, Jr., R.S. 3/4/08 DATE

By authority of the Akron Environmental Health Housing Code, Chapter 150, your attention is directed below with orders. **INFORMATION CONCERNING PENALTIES, RENTAL UNITS, APPEAL RIGHTS, THE BUILDING CODE, LICENSES AND PERMITS AND THE FIRE PREVENTION CODE ON REVERSE SIDE.**

The City of Akron Health Department, Housing Division, does not discriminate in administering programs or providing services. A copy of the Housing Division's Disability Accommodation Policy and/or Request for Accommodation Form will be provided upon your request.

COMPLY WITH BELOW ORDERS BY 4/18/08 UNLESS OTHERWISE NOTED.

14. 150.10(A)(1)(2)(3)(4)
Rehabilitate garage or demolish and remove from premises.
15. 150.10(A)(6)
Repair or replace driveway where necessary.
16. 150.10(A)(6)
Repair or replace retaining wall where necessary.
17. 150.10(E)
Repair / replace kitchen countertop where necessary.
18. 150.10(E)
Repair / replace kitchen / bathroom cabinets where necessary.
19. 150.09(E)(1), 150.10(E)
Have furnace cleaned and serviced for proper operation.
20. 150.10(A)(7)
Move all flammable items a least four feet from all furnaces and hot water tanks.
21. 150.10(A)(5)
Repair chimney (BASEMENT AND ABOVE ROOF LINE).
22. 150.10(D)
Recover worn floor coverings where necessary (BASEMENT AND 1ST FLOOR).

RICHARD A. MEROLLA
Service Director

RONALD L. WILLIAMSON
Deputy Director

JOHN W. VALLE
Deputy Director



DUANE GROEGER
Housing Administrator

JOHN C. EATON
Acting Customer Service Manager

DONALD L. PLUSQUELLIC
Mayor

**DEPARTMENT OF PUBLIC SERVICE
CUSTOMER SERVICE
146 S. High St., Suite 700
Akron, OH 44308
Phone: (330) 375-2366 or (330) 375-2322
Fax: (330) 375-2328**



July 5, 2012

To Owner, Person in Control, Lienholders
& Other Interested Parties

RE: 1480 Manchester Road (67-48272)

The Housing Appeals Board will meet on:

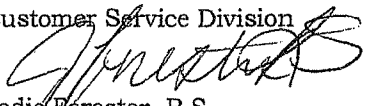
DATE: July 17, 2012

TIME: 6:00 P.M.

**PLACE: Morley Health Center
177 S. Broadway Street
Akron, OH 44308
1st Floor - Auditorium**

An Administrative Hearing will be held regarding demolition of the above listed property.
You and/or counsel may attend to give reason why the structure should not be
demolished.

Customer Service Division

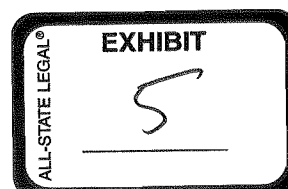

Jodie Forester, R.S.
Sanitarian Supervisor

JF:br

OWNERS ONLY: Please contact Jodie Forester at 375-2366 Ext. 6078 by July 11, 2012 to arrange for an inspection.

Please park on P-2 level of the Morley Parking Deck and enter the building through the doors in the middle of the deck.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE ARE ASKED TO CONTACT BILLY SOULE, ASSISTANT TO THE MAYOR FOR COMMUNITY RELATIONS, 166 S. HIGH ST, ROOM 503, AKRON, OH 44308; (VOICE - 330-375-2189), (TDD - 330-375-2345) AT LEAST SEVEN (7) DAYS IN ADVANCE.



Modic-00008

20679

51980

628

1480 Manchester Rd 9,

82

COMPLAINT #

ADDRESS

Ward #

OWNER #

DATE

7-16-12

TIME

10:30

In Person / By Phone - In / Out - Phone

PERSON CONTACTED

Larry Modic

Occupied Rental / Owner Occupied / Vacant-Secure/Open / HAB / Foreclosure

Done: T&R removed from backyard
electric on, list pt 107 patched,
most carpeting removed.

Recommendation

Sanitarian

Supervisory Review

Next Reinspection Date

7.17.12

144

7.5.12

San# 530

Code

110

Date

7.16.12

Notes

San# 530

Code

Date

Notes

San# 0

Code

Date

Notes

PRIORITY

1

2

3

7-17-12 Same owner

DATE

7-17-12

TIME

HAB

In Person / By Phone - In / Out - Phone

PERSON CONTACTED

Lawrence Modic

Occupied Rental / Owner Occupied / Vacant-Secure/Open / HAB / Foreclosure

Says water on.

Extension granted until the 9-18-12 meeting

Need plumbing, elec & furnace permit
8/8/12 @ 2:54 PM Messed from Mr. Modic 216-224-4218
would like list of vendors e-mailed to him
lapadroner@hotmail.com.

Recommendation

Sanitarian

Supervisory Review

Next Reinspection Date

9.18.12

140

7.17.12

San# 530

Code

Date

Notes

San# 0

Code

Date

Notes

San# 0

Code

Date

Notes

PRIORITY

1

2

3



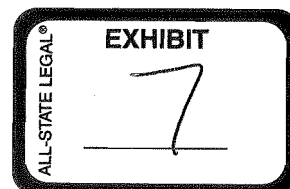
Modic-00009

Forester, Jodie

From: Forester, Jodie
Sent: Thursday, August 09, 2012 7:45 AM
To: 'lapadrone@hotmail.com'
Subject: List of repairs for 1480 Manchester Rd.

Paint trim
Repair fascia and soffit
Repair retaining wall at driveway
Install a handrail at the front service steps
Install gutters and downspouts where missing
Repair front porch floor supports and floor boards
Repair bricks at front porch step wingwalls
Repair sidewalk
Repair driveway
Repair broken windows
Install storms and screens at windows
Replace the rear entrance steps
Repair the left and right front walls of the garage
Repair the garage doors
Remove the trash and rubbish from the garage.
Repair the hole in the kitchen ceiling
~~Repair kitchen sink, countertop, and floor~~
Secure loose outlets and install light fixtures where missing
Install a functional sink in the ½ bath
Install door knobs where missing
Install smoke detectors on all floors
Install missing register vents
Install a handrail to the 2nd floor
Repair the ceiling, floor, shower surround, and plumbing supply lines in the upstairs bathroom
Repair the ceiling in the left front bedroom
Install cold air returns
Install ductwork
Install furnace
Install hot water tank
Install plumbing supply lines
Repair the sewer stack
Clean and seal the basement walls
Obtain permits and final inspections from the Summit County Building Department (electric, plumbing,
and HVAC)

8/9/2012



Modic-00012

RICHARD A. MEROLLA
Service Director

RONALD L. WILLIAMSON
Deputy Director

JOHN W. VALLE
Deputy Director



DUANE GROEGER
Housing Administrator

JOHN C. EATON
Acting Customer Service Manager

DONALD L. PLUSQUELLIC
Mayor

DEPARTMENT OF PUBLIC SERVICE
CUSTOMER SERVICE
146 S. High St., Suite 700
Akron, OH 44308
Phone: (330) 375-2366 or (330) 375-2322
Fax: (330) 375-2328



September 5, 2012

To Owner, Person in Control, Lienholders
& Other Interested Parties

RE: 1480 Manchester Road (67-48272)

The Housing Appeals Board will meet on:

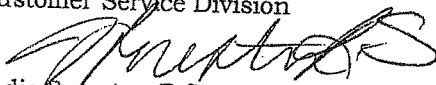
DATE: September 18, 2012

TIME: 6:00 P.M.

**PLACE: Morley Health Center
177 S. Broadway Street
Akron, OH 44308
1st Floor - Auditorium**

An Administrative Hearing will be held regarding demolition of the above listed property. You and/or counsel may attend to give reason why the structure should not be demolished.

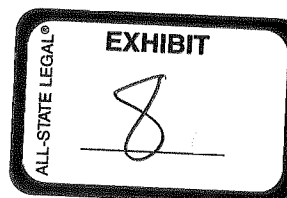
Customer Service Division


Jodie Forester, R.S.
Sanitarian Supervisor

JF:br

OWNERS ONLY: Please contact Jodie Forester at 375-2366 Ext. 6078 by September 12, 2012 to arrange for an inspection.
Please park on P-2 level of the Morley Parking Deck and enter the building through the doors in the middle of the deck.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE ARE ASKED TO CONTACT BILLY SOULE, ASSISTANT TO THE MAYOR FOR COMMUNITY RELATIONS, 166 S. HIGH ST, ROOM 503, AKRON, OH 44308; (VOICE - 330-375-2189), (TDD - 330-375-2345) AT LEAST SEVEN (7) DAYS IN ADVANCE.



Modic-00013

RICHARD A. MEROLLA
Service Director

RONALD L. WILLIAMSON
Deputy Director

JOHN W. VALLE
Deputy Director

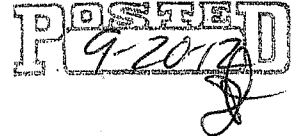


DUANE GROEGER
Housing Administrator

JOHN C. EATON
Acting Customer Service Manager

DONALD L. PLUSQUELLIC
Mayor

DEPARTMENT OF PUBLIC SERVICE
CUSTOMER SERVICE
146 S. High St., Suite 700
Akron, OH 44308
Phone: (330) 375-2366 or (330) 375-2322
Fax: (330) 375-2328



September 19, 2012

To: Owners, Lienholders, Persons In Control
& Other Interested Parties

RE: 1480 Manchester Road (67-48272)

On September 18, 2012, the Housing Appeals Board reviewed the records of the above referenced property and has ruled as follows:

THIS STRUCTURE IS TO BE RAZED WITH THE COST OF DEMOLITION ASSESSED AS A TAX LIEN UNLESS A DEMOLITION WAIVER IS PROCESSED.

This is in accordance with the authority granted the Board under Akron City Code 150, Section 150.051(b).

Please note your appeal rights under Ohio Revised Code, Section 2506.01, which states that every final order or decision of the Housing Appeals Board may be reviewed by the Summit County Court of Common Pleas, provided an appeal is perfected within 30 days, as described in Ohio Revised Code Chapters 2505 and 2506. The appeal provided in Ohio Revised Code, Sections 2506.01 to 2506.04, inclusive, is in addition to any other remedy of appeal provided by law.

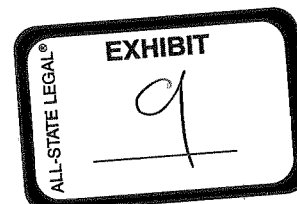
You are so notified.

Customer Service Division

J. Forester
Jodie Forester, R.S.
Sanitarian Supervisor

JF:br
FL9 Post

IF YOU HAVE ANY QUESTIONS, PLEASE CALL JODIE FORESTER AT
330-375-2366 EXT. 6078.



Modic-00015

JOHN W. VALLE
Deputy Director



DUANE E. GROEGER
Housing Administrator

JOHN C. EATON
Nuisance Compliance Manager

Donald L. Plusquellic
Mayor

DEPARTMENT OF NEIGHBORHOOD ASSISTANCE

146 South High St., Suite 700
Akron, Ohio 44308

Phone: (330) 375-2366 or (330) 375-2322
Fax: (330) 375-2328

September 20, 2012

**CERTIFIED MAIL
REGULAR MAIL**

Lawrence Modic
1480 Manchester Road
Akron, OH 44314

**RE: 1480 Manchester Road (67-48272)
Lawrence Modic**

On September 18, 2012, the Housing Appeals Board reviewed the records of the above referenced property and has ruled as follows:

THIS STRUCTURE IS TO BE RAZED WITH THE COST OF DEMOLITION ASSESSED AS A TAX LIEN UNLESS A DEMOLITION WAIVER IS PROCESSED.

This is in accordance with the authority granted the Board under Akron City Code 150, Section 150.051(b).

Please note your appeal rights under Ohio Revised Code Section 2506.01, which states that every final order or decision of the Housing Appeals Board may be reviewed by the Summit County Court of Common Pleas, provided an appeal is perfected within 30 days, as described in Ohio Revised Code, Chapters 2505 and 2506. The appeal provided in Ohio Revised Code, Sections 2506.01 and 2506.04, inclusive, is in addition to any other remedy of appeal provided by law.

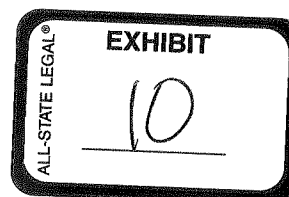
You are so notified.

Dept. of Neighborhood Assistance
Housing Division

J. Forester
Jodie Forester, R.S.
Sanitarian Supervisor

**IF YOU HAVE ANY QUESTIONS, PLEASE CALL JODIE FORESTER AT
330-375-2366 EXT. 6078**

JF:br
FL #9
Enclosure -- (Conclusion of Fact)



Modic-00016

**CITY OF AKRON
HOUSING APPEALS BOARD**

IN REFERENCE TO CASE #: 4098 CONCLUSION OF FACT:
ADDRESS: 1480 Manchester Rd **DEMOLITION ORDER**

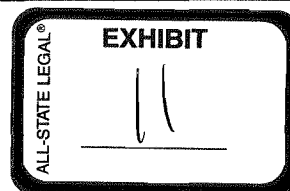
This case was heard on 9/18/12. Based on the evidence presented, the Housing Appeals Board finds that the City of Akron, Department of Neighborhood Assistance, Housing Division, has proved by the preponderance of substantial, reliable and probative evidence on the record that the property at the above address should be demolished. The Board makes this finding based upon the facts and evidence as summarized in the Board's minutes, including the Housing Division file, Housing Evaluation form, orders to comply and photographs and testimony concerning the inspections made by the Housing Division that is the basis for the request for demolition.

The Board has reviewed the evidence to determine whether the property is in violation of the City of Akron's Environmental Health Housing Code, is unfit for human habitation or use, is a public nuisance and whether demolition is reasonably necessary to abate the nuisance. Having made these inquiries, under the authority of Section 150.051 of the Housing Code, the Board finds that the structure is dilapidated, decayed, unsafe, unsanitary and a blighting influence on the neighborhood, that the property is in violation of the Housing Code, is unfit for human habitation or use, is a public nuisance, is injurious to the surrounding neighborhood and the people of Akron and that demolition is reasonably necessary to abate the nuisance. The Board orders the utilities be disconnected, that the property be razed and that the cost of demolition of the structure be assessed to the property as a tax lien unless a demolition waiver is processed.

APPROVED:

Pamela L. Williams
[Signature]
Kathy Wilkins

[Signature]



**CITY OF AKRON
HOUSING APPEALS BOARD**

IN REFERENCE TO CASE #: 4231 CONCLUSION OF FACT:
ADDRESS: 1205 Smithfarm Ave DEMOLITION ORDER

This case was heard on 9/18/12. Based on the evidence presented, the Housing Appeals Board finds that the City of Akron, Department of Neighborhood Assistance, Housing Division, has proved by the preponderance of substantial, reliable and probative evidence on the record that the property at the above address should be demolished. The Board makes this finding based upon the facts and evidence as summarized in the Board's minutes, including the Housing Division file, Housing Evaluation form, orders to comply and photographs and testimony concerning the inspections made by the Housing Division that is the basis for the request for demolition.

The Board has reviewed the evidence to determine whether the property is in violation of the City of Akron's Environmental Health Housing Code, is unfit for human habitation or use, is a public nuisance and whether demolition is reasonably necessary to abate the nuisance. Having made these inquiries, under the authority of Section 150.051 of the Housing Code, the Board finds that the structure is dilapidated, decayed, unsafe, unsanitary and a blighting influence on the neighborhood, that the property is in violation of the Housing Code, is unfit for human habitation or use, is a public nuisance, is injurious to the surrounding neighborhood and the people of Akron and that demolition is reasonably necessary to abate the nuisance. The Board orders the utilities be disconnected, that the property be razed and that the cost of demolition of the structure be assessed to the property as a tax lien unless a demolition waiver is processed.

APPROVED:

Patricia Williams
[Signature]
Kathy Wilkins

[Signature]

DEPARTMENT OF LAW
202 Ocasek Government
Office Building
161 South High Street
Akron, Ohio 44308-1655
(330) 375-2030
FAX (330) 375-2041

CHERI B. CUNNINGHAM
Director of Law

CIVIL DIVISION

Patricia Ambrose Rubright
Deborah M. Forfia
J. Christopher Reece
Stephanie H. York
Janet M. Ciotola
John R. York
Tammy L. Kalail
Michael J. Defibaugh
Sean W. Vollman
Stephen A. Fallis
Shelley A. Goodrich
Stuart D. Baker
Assistant Directors of Law

CRIMINAL DIVISION

Harold K. Stubbs
Justice Center
217 South High Street
Suite 203
Akron, Ohio 44308-1639
(330) 375-2730
FAX (330) 375-2281

Gertrude E. Wilms
Chief City Prosecutor

Craig J. Morgan
Chief Assistant City
Prosecutor

David A. Muntean
Elisa B. Hill
Mary A. Lohr
Tamara J. Todd
Thomas D. Bown
Greta L. Johnson
David H. Hamilton
Assistant Directors of Law



DRAFT

Donald L. Plusquellic
Mayor

January 11, 2013

Mr. Lawrence L. Modic
1480 Manchester Road
Akron, Ohio 44314

[Sent by certificate of mailing
and by e-mail to
lapadrone@hotmail.com

And

Mr. Lawrence L. Modic
2002 Morrison Avenue, #8
Lakewood, Ohio 44107

NOTICE OF IMMINENT DEMOLITION
ON OR AFTER JANUARY 16, 2013

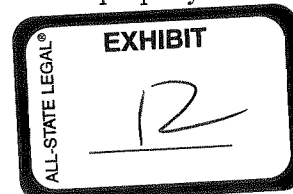
[Vacate Structure Immediately and Remove All Property of Value]

To Mr. Lawrence Modic:

Pursuant to Orders of the Housing Division and the Housing Appeals Board of the City of Akron, this structure is condemned and a public nuisance that shall be demolished. The Board's order of September 18, 2012, ordering that the property be demolished was not appealed.

Pursuant to A.C.O. §150.16, et seq, the structure shall be vacated immediately and all persons warned to stay away. Other than to remove property of value, no legitimate reason exists to be at the property.

Pursuant to A.C.O. §150.201, you must have the authority of the Housing Inspector to enter this condemned, nuisance structure. In the event you intend to enter the structure for any purpose, contact Housing Administrator Duane Groeger or Housing Sanitarian Supervisor Jodie Forester at 330-375-2366 to obtain approval. Permission may be granted to enter between 7:00 a.m. and 7:00 p.m. to remove property of value.



Modic-00018

In anticipation of demolition, the City of Akron shall board this structure on or after January 16, 2013, with demolition to occur thereafter.

Do not enter without permission. Do not delay seeking permission to remove your property of value.

Sincerely,

John R. York
Assistant Director of Law

JRY/jpb

Akron, Ohio, Code of Ordinances >> - CHARTER OF THE CITY OF AKRON, OHIO >> DEPARTMENT OF PUBLIC HEALTH >>

DEPARTMENT OF PUBLIC HEALTH

SECTION 78. - ORGANIZATION.

SECTION 79. - POWERS.

SECTION 80. - DIRECTOR OF PUBLIC HEALTH—POWERS AND DUTIES.

SECTION 81. - POLICE POWER.

SECTION 82. - APPROPRIATIONS FOR HEALTH PURPOSES.



SECTION 78. - ORGANIZATION.

The Department of Public Health shall consist of a Health Commission consisting of five electors of the City of Akron, appointed by the Mayor by and with the advice and consent of Council.

Incumbent members of the Health Commission as of the effective date of this provision, shall serve the remainder of the term of their original appointments.

Additional appointments shall be made for such term as will cause only one member's term to expire in each successive year.

Thereafter, members shall be appointed for a term of five years. Three members shall constitute a quorum for the transaction of business and the concurring vote of three members shall be required in order for the Health Commission to take action on any matter. The Health Commission shall adopt rules and regulations for the selection and term of its officers, for the transaction of its business, and for the keeping of minutes of its proceedings, showing the vote of each member on every question. The Commission shall appoint a Director of Public Health, who shall be a physician with training and experience in the work of public health.

(V 95 p 95; Approved by voters Nov. 8, 1966)

SECTION 79. - POWERS.

The Health Commission shall have all of the powers which are conferred by law and by the Constitution of Ohio upon municipal boards of health. The Health Commission shall have full legislative power in all matters concerning the public health and sanitation, and the Director of Health shall have full administrative and executive powers. All rules and regulations enacted by the Health Commission shall have the force of ordinances when recorded and published as ordinances are required to be published by this Charter. The Health Commission shall have the power to provide by regulation or ordinance for the punishment of violation of the rules, regulations, or ordinances enacted by it. The penalty for such violation may be either fine or imprisonment, or both, as may be determined by the Health Commission.

SECTION 80. - DIRECTOR OF PUBLIC HEALTH—POWERS AND DUTIES.

Subject to the direction and control of the Health Commission, the Director of Health shall have full administrative and executive powers; he shall protect the City and its inhabitants against every form of disease and every unsanitary condition that may be a menace to the inhabitants; he shall enforce preventive measures necessary to general healthfulness and carry on educational work for the prevention of disease. It shall be his duty to enforce medical inspection and compulsory corrective

measures among the children in the public schools of the City, and to perform such other duties as may be required by the Health Commission.

SECTION 81. - POLICE POWER.

The Health Commission shall have general police powers in enforcing its rules, regulations and ordinances. Said police powers shall be exercised by such of its officers and employees as may be prescribed by the Health Commission.

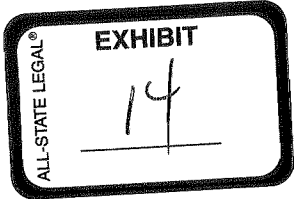
SECTION 82. - APPROPRIATIONS FOR HEALTH PURPOSES.

The Council shall appropriate annually for the Department of Public Health a sum sufficient to enable the Health Commission to efficiently sustain and operate this Department.

Akron, Ohio, Code of Ordinances >> - CHARTER OF THE CITY OF AKRON, OHIO >> DEPARTMENT OF PUBLIC SERVICE >>

DEPARTMENT OF PUBLIC SERVICE

- SECTION 64. - SALE, LEASE, OR TRANSFER OF CITY UTILITIES.
- SECTION 65. - GENERAL POWERS AND DUTIES.
- SECTION 66. - SEWER AND OTHER CONNECTIONS.



SECTION 64. - SALE, LEASE, OR TRANSFER OF CITY UTILITIES.

Any action by the Council or Mayor of the City of Akron to sell, transfer, or lease any part of any interest in any City owned utility shall be without force and effect unless and until it is approved by a majority of votes cast by the electors of the City of Akron at the next general election occurring at least 90 days after such action.

(Amendment adopted by electorate 11-4-08)

SECTION 65. - GENERAL POWERS AND DUTIES.

Subject to the supervision and control of the Mayor in all matters, the Director of Public Service shall manage and supervise all public improvements, works and undertaking in the City except as otherwise provided in this Charter. He shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, aqueducts and other public highways; of sewers, drains, ditches, culverts, canals, streams, water courses; of all public buildings; the construction and maintenance of parks and playgrounds, boulevards, squares and other public places and grounds belonging to the City or dedicated to public use. He shall manage and control the water supply system and maintenance and operation of same; market houses, sewage disposal plants and all public utilities of the City supported in part or in whole by taxation. He shall have charge of the issuing and supervision of permits for opening of streets and the repairing of unimproved streets. He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for such public work; the cleaning, sprinkling, supervision and lighting of streets and public places; the collection and disposal of waste; the preservation of plans, tools and appliances belonging to the City and pertaining to the functions of the Department.

(Amendment adopted by electorate 11-4-80)

SECTION 66. - SEWER AND OTHER CONNECTIONS.

- (a) Streets to Be Improved: The Director of Public Service shall have authority to compel the laying of mains and the making of sewer, water, gas and other connections in view of contemplated street improvements. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made. Such notice shall be served by a person designated by the Director of Public Service, in the manner provided for by the service of summons in civil actions, or by registered mail. Nonresidents of the City or persons who cannot be found, may be served by one publication of such notice in a daily English newspaper of general circulation in the City. The notice shall state the time within which such connections shall be constructed, which time shall be before advertisement is made for bids for such improvements; and if said connections be not constructed within said time by the owner or owners of such property, they may be constructed

by the City and the cost thereof assessed against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvements.

- (b) Improved or Unimproved Streets: The Director of Public Service shall have authority to compel the laying of mains and the making of sewer, water, gas and other connections in unimproved streets or streets which have previously been improved without such connections having been made, whenever as a sanitary regulation, sewer, water, gas and other mains and connections should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be given as hereinbefore provided in this section. The notice shall state the time within which such connections shall be constructed; and if they be not constructed within said time, they may be constructed by the City and the cost thereof, together with a penalty of five percentum (5%) assessed against the lots and lands for which such connections are made; provided, however, that the owner of any lot or parcel of land affected by the determination of the Director of Public Service shall have the right, within ten days from and after the receipt of written notice of such determination, to appeal therefrom to the Council. In case any such appeal is filed with the Clerk of the Council the Council shall, at its next regular meeting following said filing, hear such appeal, and it may affirm, disaffirm or modify the decision of the Director of Public Service, and its judgment in the matter shall be final. Assessments under the provisions of this section shall be certified and collected as other assessments for street improvements.

Public Service

CBC/JRY/tlk 1-11-10
Requested by Department of Public Service

RECEIVED
CLERK OF COUNCIL
CITY OF AKRON

2010 JAN 22 AM 11:10

Offered by **HURLEY FUSCO SOMERVILLE**

ORDINANCE NO. 14 -2010 amending and/or supplementing Title 15 "Land Usage", Chapters 150.01 "Definitions", 150.011 "Application of Other Codes", 150.03 "Notice of Violation", 150.031 "Notice of Violation Requiring Demolition", 150.05 "Hearings", 150.06 "Director of Health", 150.15 "Unfit Dwellings or Premises", 150.18 "Condemnation Placard", 150.25 "Warranties and Liability", 150.30 "Registration Required", 150.40 "Rental Unit Mandatory Inspection Required", and 150.99 "Penalty" of the Code of Ordinances of the City of Akron to combine services and enforcement under the Department of Public Service; and declaring an emergency.

WHEREAS, it is in the best interest of the City of Akron to promote efficiency and to conserve limited budget resources; and

WHEREAS, combining the inspectors of the Akron Health Department and the Department of Public Service into one office, under the direction of the Director of Public Service, will promote efficiency and conserve resources; and

WHEREAS, inspectors of both departments enforce codes concerning environmental, health, and quality-of-life issues in the neighborhoods of Akron; and

WHEREAS, the combination of inspection services will allow inspectors to address all potential issues involving one property; and

WHEREAS, the Director of Public Service can best supervise and organize this newly arranged office to ensure the safety and welfare of the citizens of Akron is protected through enforcement of the applicable laws in an efficient manner.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

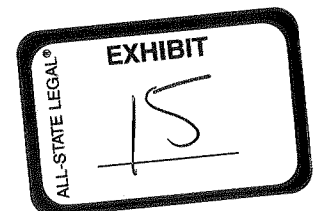
Section 1. That Title 15, Chapter 150.00, Section 150.01 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.01 Definitions.

A. For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

"Basement." A portion of a building located partly or wholly underground.

"Dwelling." Any dwelling, dwelling unit, building, structure, rooming house, rooming unit, hotel, or other living quarters used, intended to be used or designed to be used, in whole or in part, for living or sleeping by human occupants, except that temporary housing, as hereinafter defined, shall not be regarded as a dwelling.



"Dwelling unit." Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, intended to be used or designed to be used for living, sleeping, cooking, and eating.

"Extermination." The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the Department of Public Health **SERVICE**.

"Fire prevention code." Chapter 93 of this code.

"Fire stairs." An exterior stairway twenty-two inches wide with handrails, and guardrails with intermediate balusters with access from either a thirty inches wide exterior door or an emergency escape window with a forty-four inches interior sill height, twenty inch minimum width, twenty-four inch minimum height with a total of 5.7 square foot minimum and with wired-glass opening protection provided for all windows both above and below the path of the stairway.

"Garbage." The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

"Habitable room." A room or enclosed floor space used, intended to be used or designed to be used for living, sleeping, cooling, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communication corridors, closets, and storage spaces.

"Health, Safety and Sanitation Code." Chapter 94 of this code.

"Housing code." The Environmental Health Housing Code.

"Housing Inspector." The Director of Health **PUBLIC SERVICE** of the city or his authorized representative.

"Infestation." The presence, within or around a dwelling, of any insects, rodents, or other pests.

"Litter Code." Chapter 95 of this code.

"Multiple dwelling." Any dwelling containing more than two dwelling units.

"Occupant." Any person over one year of age living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

"Operator." Any person who, alone or jointly or severally with others, has charge, care, or control of any premises, or part thereof, in which there are one or more dwelling units or rooming units, whether as owner, manager, agent of the owner, or due to conduct that demonstrates the person's position of responsibility concerning the dwelling or rooming unit.

"Owner." Any person who, alone or jointly or severally with others has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or is the vendor or vendee under a land contract, whether recorded or not, or is the executor, executrix, administrator, administratrix, trustee, or guardian of the estate of either the person with legal title or the land contract vendor or vendee.

"Person." An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

"Plumbing." All of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets,

sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections installed or connected to water, sewer, or gas lines.

"Premises." Not only the dwelling and any other building of any kind or nature located on the lot, but also the entire parcel of land surrounding the buildings, including, but not limited to, fences, walkways, walls, and appurtenances.

"Purchaser." Any person who, alone or jointly or severally with others, has entered into a contract to become the owner of any dwelling or dwelling unit, with or without accompanying actual possession thereof.

"Rental unit." A dwelling unit or rooming unit not occupied by the person with legal title.

"Rooming house." Any dwelling, or that part of any dwelling, containing one or more rooming units, including hotels, in which space is let by the owner or operator to three or more persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

"Rooming unit." Any room or group of rooms forming a single habitable unit used, intended to be used or designed to be used for living and sleeping but not for cooking or eating purposes.

"Rubbish." Combustible and noncombustible waste materials, except garbage, including the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, plastics, dust, and other like materials.

"Supplied." Paid for, furnished, or provided by, or under the control of, the owner or operator.

"Temporary housing." Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty consecutive days.

"Zoning Code." Chapter 153 of this code.

B. Whenever the words "dwelling," "dwelling unit," "rooming unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. 708-1997; Ord. 769-1996; Ord. 181-1992; Ord. 205-1988; Ord. 113-1972)

Section 2. That Title 15, Chapter 150.00, Section 150.011 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.011 Application of other codes.

A. There is hereby adopted as part of the requirements of this chapter, for the purpose of providing guidance and standards in the application and enforcement of this chapter, and in determining whether the conditions of premises are maintained in an approved manner, the provisions of the ~~BOCA National~~ **ICC INTERNATIONAL** Property Maintenance Code, ~~1993~~ **2000** Edition, or as may be amended from time to time, the City of Akron Fire Prevention Code, Chapter 93, or as may be amended from time to time, the ~~BOCA National Building Code, 1993~~ **ICC INTERNATIONAL**

RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2000 Edition, or as may be amended from time to time, the City of Akron Building Code, Chapter 190, or as may be amended from time to time, and the ~~BOCA-National~~ **OHIO** Fire Code, ~~1993~~ **OHIO ADMINISTRATIVE CODE, CHAPTER 1301:7-7** Edition, or as may be amended from time to time.

B. Where differences occur between the provisions in this chapter and the provisions that this section adopts, the provisions that impose the higher standards shall control.
(Ord. 708-1997; Ord. 769-1996)

Section 3. That Title 15, Chapter 150.00, Section 150.03 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.03 Notice of violation.

A. Whenever the Housing Inspector determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the person responsible therefor and order compliance, as herein provided. ~~For the purposes of this determination of a violation, the housing inspector may consider information and documentation provided by the Director of Public Service that violations exist under § 150.10 of this code, including: peeling or chipped paint; siding, gutters or downspouts in disrepair; broken or missing windows; and unsecured or open vacant structures.~~ The notice and order shall:

1. Be put in writing on ~~an~~ appropriate form as the Department of Public Health **SERVICE** shall determine;
2. Include a list of violations, refer to the sections and subsections violated and order remedial action which will effect compliance with the provisions of this chapter;
3. Specify a reasonable time within which to comply; and
4. Be served on the operator, owner or occupant personally or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address or the building affected.

B. Whenever a person violates or fails to comply with any of the provisions of this chapter, the Housing Inspector shall have the authority to impose an administrative penalty. The Housing Inspector shall consider the following criteria in assessing ~~an~~ administrative penalty:

1. The extent to which the person has benefited by the violation of this chapter;
2. The degree of harm to the public health, safety, welfare and aesthetics as a result of the violation of this chapter;
3. The recidivism of the person, including previous notices and orders to comply and previous enforcement action;
4. Good faith efforts of the person to remedy the violation of this chapter; and
5. The duration of the violation after a notice and order to comply was served pursuant to this section or § 150.031.

C. The imposition of an administrative fine shall be accomplished only after a notice and order is provided to the occupant, operator or owner. Notice of a decision imposing an administrative fine shall:

1. Be put in writing on an appropriate form as the Department of Public ~~Health~~ **SERVICE** shall determine;
 2. State the basis for the administrative penalty, including the section of this chapter that has been violated;
 3. Specify the date and manner by which the penalty must be paid; and
 4. Be served on the occupant, operator or owner personally or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address or the dwelling affected.
- (Ord. 222-2008 §4; Ord. 708-1997; Ord. 769-1996; Ord. 904-1988; Ord. 113-1972)

Section 4. That Title 15, Chapter 150.00, Section 150.031 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.031 Notice of violation requiring demolition.

Whenever the Housing Inspector determines that the violations of this chapter are so extensive that the city will demolish or repair the dwelling and premises due to the dwelling or premises being insecure, unsafe, or structurally defective, the notice and order shall:

- A. Be written on an appropriate form as the Department of Public ~~Health~~ **SERVICE** shall determine;
- B. Include a list of violations, refer to the sections and subsections violated, and order remedial action which will affect compliance with the provisions of this chapter;
- C. Specify a reasonable time within which to comply;
- D. Be served upon all persons listed in the Summit County Recorder's Office and the Summit County Clerk of Courts having an interest or holding a lien on the dwelling or premises; and
- E. Contain notice that the city intends to demolish or repair the dwelling and premises and assess costs to the owners of record, and that persons notified under this section may request a hearing before the Housing Appeals Board pursuant to § 150.05(A) of this chapter.

(Ord. 708-1997; Ord. 769-1996; Ord. 56-1984)

Section 5. That Title 15, Chapter 150.00, Section 150.05 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.05 Hearings.

- A. Appeals. For the purpose of this section, "person" shall include any entity which owns, leases, holds, or has any interest in a dwelling or premises in the city. Any person affected by any notice and order which has been issued in connection with the enforcement of any of the provisions of this chapter may request and shall be granted a hearing on the matter before the Board. The person shall file, in the office of the Director of ~~Health~~ **PUBLIC SERVICE**, a written request for the hearing and shall set forth the name, address, and phone number of the appellant and a brief statement of the grounds for the hearing and appeal from any order of the Director of ~~Health~~ **PUBLIC**

SERVICE. Requests shall be filed within ten days after the day the notice and order is served and shall be accompanied by a deposit of fifteen dollars, which deposit shall be non-refundable. On receipt of the request, the Director of ~~Health~~ **PUBLIC SERVICE** shall set a time and place for a hearing before the Board. The hearing shall be held within a reasonable time after a request has been filed. At the hearing, the appellant shall be given an opportunity to be heard and to show cause why the notice and order should be modified or dismissed, or why a variance should be granted. The failure of the appellant or his representative to appear and present his position at the hearing shall be grounds for dismissal of the request.

B. Variances. The Board shall interpret the intent of this chapter in specific cases where, on appeal, it clearly appears that, by reason of special conditions, undue hardship would result from a literal application of any section of this chapter. Where undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section if the dwelling will vary only a reasonable minimum from the literal provisions of this chapter but will comply with the spirit and intent of this chapter with respect to sanitation, safety, and rehabilitation.

C. Notice. Written notice of the meeting of the Board shall be given by the Director of ~~Health~~ **PUBLIC SERVICE** to the appellant and the citizen complainant. The notice shall be sent by ordinary U.S. mail at least five days prior to the date of the hearing before the Board. Notice of the agenda to be heard by the Board shall be published in a newspaper of general circulation in the city at least ten days prior to the meeting of the Board. The Law Department of the city shall be notified of the hearing.

D. Decisions. On hearing, the Board may affirm, disaffirm, modify, or dismiss the notice and order, or grant a variance from the notice and order, by a majority vote of the members of the Board who are present. The appellant and the Director of ~~Health~~ **PUBLIC SERVICE** shall be notified in writing of the findings.

E. Records. The proceedings at the hearings, including the findings and decision of the Board and reasons therefor, shall be summarized in writing and entered as a matter of public record in the office of the Director of ~~Health~~ **PUBLIC SERVICE**. The record shall also include a copy of every notice and order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.

(Ord. 708-1997; Ord. 769-1996; Ord. 79-1980; Ord. 853-1979; Ord. 113-1972)

Section 6. That Title 15, Chapter 150.00, Section 150.06 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.06 Director of ~~Health~~ PUBLIC SERVICE.

A. Rules and Regulations. The Director of ~~Health~~ **PUBLIC SERVICE** is authorized to make and adopt rules and regulations and fix the reasonable standards as may be necessary for the proper enforcement of the provisions of this chapter and to carry out the intent thereof.

B. Emergency Situation. Whenever the Director of ~~Health~~ **PUBLIC SERVICE** finds that an emergency exists which requires immediate action to protect the public health, **SAFETY OR WELFARE** he may, without notice or hearing, issue an order stating the existence of the emergency and requiring that action be taken as he deems necessary to

meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but, on petition to the Director of ~~Health~~ **PUBLIC SERVICE**, shall be afforded a hearing as soon as possible. After the hearing, depending on his finding as to whether or not the emergency condition has been abated, the Director of ~~Health~~ **PUBLIC SERVICE** shall continue the order in effect or modify or revoke it.

C. Failure to Obey Order. In the event that the person to whom the order is directed neglects or refuses to obey the order, the Director of ~~Health~~ **PUBLIC SERVICE** or a properly authorized employee of the Department of Public ~~Health~~ **SERVICE** is hereby authorized to abate the emergency situation at the expense of the person in noncompliance with the order, and to collect any costs so incurred as authorized by law. (Ord. 708-1997; Ord. 769-1996; Ord. 113-1972)

Section 7. That Title 15, Chapter 150.00, Section 150.15 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.15 Unfit dwellings or premises.

A. Any dwelling or premises that are at any time unfit for human habitation or use, unless made habitable, shall be taken down and removed when so ordered by the Housing Inspector.

B. Any dwelling or premises declared unfit for human habitation or use may be restored to a habitable condition.

C. Any dwelling or premises which has any of the following defects shall be deemed unfit for human habitation or use:

1. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used;

2. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or other residents of the city;

3. Those which have become so dilapidated, decayed, unsafe, unsanitary, or vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or use or are so likely to cause sickness or disease that their condition constitutes a serious hazard to the health, morals, safety, or general welfare of the occupants or other residents of the city;

4. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein;

5. Those having inadequate facilities for ingress and egress in case of fire, panic, or other emergencies, or those having insufficient stairways, elevators, fire escapes, or other means of communication;

6. Those which have parts thereof which are so attached that the parts may fall and injure occupants, other residents or other property;

7. Those which, because of their general condition or location, are unsafe, unsanitary or otherwise dangerous to the health, morals, safety, or general welfare of occupants or other residents of the city; or

8. Those existing in violation of any of the provisions of the Building Code, the Fire Prevention Code, or other ordinances of the city.

D. The Housing Inspector **AND THE BOARD, WHETHER PROCEEDING UNDER SECTIONS 150.031 OR 150.051 OF THE HOUSING CODE, RESPECTIVELY**, shall use the following standards in ordering a dwelling or premises to be repaired, vacated, or demolished:

1. When it can reasonably be repaired so that it will no longer exist in violation of any of the provisions of this chapter, it shall be ordered repaired;
2. When it is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered vacated;
3. When it is sixty percent damaged, decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where it cannot be repaired, or where the owner refuses or fails to repair the dwelling so that it will no longer be in violation of any of the terms of this chapter, it shall be demolished. In all cases where it is a fire hazard, existing or erected in violation of any of the terms of this chapter or any ordinances of the city, it shall be demolished. Penalty, see § 150.99.

(Ord. 708-1997; Ord. 769-1996; Ord. 113-1972)

Section 8. That Title 15, Chapter 150.00, Section 150.18 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.18 Condemnation placard.

The Housing Inspector shall place a notice on all condemned dwellings or premises by placing a placard thereon, or in a location which is readily noticeable, reading as follows:

CONDEMNED

This building is unfit for human habitation or use and has been condemned by order of the Director of ~~Health~~ **PUBLIC SERVICE** of the City of Akron. All persons are herewith warned to stay away from this building, except those who are employed to repair or raze the same in accordance with the notice which has been given the owner of this building and all other persons having an interest in said premises as shown by the land records of the Summit County Recorder's Office. It is unlawful for any person to remove this sign without written permission from the Director of ~~Health~~ **PUBLIC SERVICE** of The City of Akron.

(Ord. 708-1997; Ord. 769-1996; Ord. 113-1972)

Section 9. That Title 15, Chapter 150.00, Section 150.25 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.25 Warranties and liability.

The provisions of this chapter shall not be construed to warrant, insure or guarantee that there are no violations of the Health, Safety and Sanitation Code, Litter Code, Housing Code, or Zoning Code at a premises, or that the premises is in a clean, sanitary, safe or fit condition. Inspections of the Department of Public ~~Health~~

SERVICE are made on behalf of the city and the Department of Public Health **SERVICE** for the purpose of preserving and improving the housing stock and enforcing the Health, Safety and Sanitation Code, Litter Code, Housing Code, and Zoning Code. Inspections of the Department of Public Health **SERVICE** are not made on behalf of the occupant, operator, owner, or purchaser of a premises, or any other person.

(Ord. 708-1997; Ord. 769-1996)

Section 10. That Title 15, Chapter 150.00, Section 150.30 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.30 Registration required.

A. An owner or operator shall register, on a registration form that the Department of Public Health **SERVICE** shall provide, all rental units that the owner owns, or that the operator operates, no later than January 1 of each year, and upon the completion of transfer of title to a premises or structure with a rental unit.

B. The registration form shall include information as the Department of Public Health **SERVICE** shall determine, including the total number of rental units that the owner owns, or that the operator operates, the number of premises and structures with a rental unit, the address of each premises and structure, the number of rental units on each premises and in each structure, the identification number or letter of all rental units on each premises and in each structure, and information concerning the owner, which shall include:

1. If the owner is one or more individuals or a sole proprietorship, the owner's name, address, date of birth and phone number;
2. If the owner is a partnership, the name, address, tax identification number and phone number of the partnership, and the name, address, date of birth and phone number of one of the partners;
3. If the owner is a corporation, the name, address and phone number of the corporation, the name, address and phone number of the corporation's statutory agent, and the name, address, date of birth, and phone number of one of the officers; and
4. If the owner is a trust, the name, address and phone number of the trust, and the name, address, date of birth, and phone number of one of the trustees.

C. If the owner of a rental unit is required to have an operator pursuant to § 150.50 of this chapter, or if the owner otherwise has an operator that is not the owner, then the registration form shall include, in addition to the information required by subsection B of this section, additional information concerning the operator, as the Department of Public Health **SERVICE** shall determine, which shall include:

1. If the operator is one or more individuals or a sole proprietorship, the operator's name, address, date of birth and phone number;
2. If the operator is a partnership, the name, address and phone number of the partnership, and the name, address, date of birth and phone number of one of the partners; and
3. If the operator is a corporation, the name, address and phone number of the corporation, the name and address of the corporation's statutory agent, and the name, address, date of birth, and phone number of one of the officers; and

4. If the operator is a trust, the name, address and phone number of the trust, and the name, address, date of birth, and phone number of one of the trustees.

D. Within thirty days of any change of information that is required on a registration form, the owner or operator of a rental unit shall contact the Department of Public ~~Health~~ **SERVICE**, in writing, to update the information on the registration form. A ten dollar fee shall be charged for the updating of information on the registration form.

E. No owner or operator shall fail to register, with the Department of Public ~~Health~~ **SERVICE**, all rental units that the owner owns or that the operator operates.

F. No owner or operator of a rental unit shall fail to contact the Department of Public ~~Health~~ **SERVICE**, in writing, within thirty days of any change of information that is required on a registration form, to update the information on the registration form.

G. A registration fee per owner or operator shall be imposed as follows; ~~or as the Health Commission shall subsequently establish by regulation~~

1. If the owner owns or the operator operates one rental unit, a fee of fifteen dollars;

2. If the owner owns or the operator operates two to five rental units, a fee of twenty-five dollars;

3. If the owner owns or the operator operates six to twenty-five rental units, a fee of seventy-five dollars;

4. If the owner owns or the operator operates twenty-six to one hundred rental units, a fee of one hundred fifty dollars;

5. If the owner owns or the operator operates one hundred and one or more rental units, a fee of two hundred fifty dollars;

6. If a registration form is filed late, an additional late fee of ten dollars; and

7. If the owner or operator becomes the owner or operator of additional rental units between registration periods, a minimum fee of ten dollars, with a maximum additional fee, if any, based on the fees established in this subsection.

H. Money collected under this section shall be used exclusively for rental unit registration purposes.

I. A registration form shall be valid for one year, unless:

1. False information is furnished to the Department of Public ~~Health~~ **SERVICE** in the registration form; or

2. A transfer of title to a rental unit has been completed.

J. No person, including an operator, owner, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disperse proceeds from a transfer of title to, a premises without having in escrow with the escrow agent handling the transfer of title to the premises, a copy of a registration form completed by the purchaser of the premises, or a statement from the purchaser that the premises contains only one dwelling unit, and will be occupied by the purchaser for one year after the transfer of title. The escrowed document shall be forwarded to the Department of Public ~~Health~~ **SERVICE** upon the transfer of title.

(Ord. 708-1997; Ord. 769-1996)

Section 11. That Title 15, Chapter 150.00, Section 150.40 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.40 Rental unit mandatory inspection required.

A. The owner or operator of a premises with a rental unit shall have the interior and exterior of the premises, its structures and its rental units inspected semi-annually, for a minimum of four years, to determine compliance with the Health, Safety and Sanitation Code, Litter Code, Housing Code, and Zoning Code, under the following circumstances:

1. If two or more notices and orders to comply have been issued to the owner or operator pursuant to § 150.03 or § 150.031 of this chapter, within any two year period, concerning the same premises, and have not been complied within the time provided in the notices and orders to comply, the premises that was the subject of the notices and orders to comply shall be subject to semi-annual mandatory inspections as specified in this section;

2. If the owner or operator has been convicted of a violation of this chapter, all premises and structures with a rental unit that the owner owns or that the operator operates shall be subject to semi-annual mandatory inspections as specified in this section; and

3. If the owner or operator has had a premises ordered razed by the Housing Appeals Board pursuant to § 150.051 of this chapter, all premises and structures with a rental unit that the owner owns or that the operator operates shall be subject to semi-annual mandatory inspections as specified in this section.

B. A notice and order to comply that is outstanding on or after December 22, 1996, or that is issued subsequent to November 22, 1996, may constitute an uncomplained notice and order to comply for purposes of enforcement of the semi-annual mandatory inspections required by subsection (A)(1) of this section.

C. A conviction that was obtained on or after November 22, 1995 shall constitute a conviction for purposes of enforcement of the semi-annual mandatory inspections required by subsection (A)(2) of this section.

D. A raze order that the Board issued on or after November 22, 1996 shall constitute a raze order for purposes of enforcement of the semi-annual mandatory inspections required by subsection (A)(3) of this section.

E. No owner or operator of a premises with a rental unit shall fail to obtain a rental unit mandatory inspection from the Department of Public Health **SERVICE** when the provisions of this section require a rental unit mandatory inspection.

F. A rental unit semi-annual mandatory inspection fee, per rental unit, which shall include the first two inspections semi-annually, shall be imposed as follows, ~~or as the Health Commission shall subsequently establish by regulation~~

1. A fee of one hundred twenty-five dollars for a premises with one rental unit;
2. A fee of one hundred seventy-five dollars for a premises with two rental units;
3. A fee of two hundred twenty-five dollars for a premises with three rental units;
4. A fee of two hundred fifty dollars for a premises with four rental units; and

5. A fee of two hundred sixty-five dollars for the first rental unit on a premises with five or more rental units, and a fee of fifteen dollars per rental unit for each additional rental unit on the premises.

G. A rental unit mandatory inspection re-inspection fee, per rental unit, for each re-inspection semi-annually subsequent to the first two inspections semi-annually, per rental unit, shall be imposed in the amount of fifty dollars, ~~or as the Health Commission shall subsequently establish by regulation~~

H. IF A PERSON, OCCUPANT, OPERATOR, OWNER OR PURCHASER FAILS, NEGLECTS OR REFUSES TO PAY A RENTAL UNIT INSPECTION OR RE-INSPECTION FEE REQUIRED BY SUBSECTIONS (F) OR (G) OF THIS SECTION WITHIN THE TIME ORDERED PURSUANT TO § 150.03 OF THIS CHAPTER, THEN THE DIRECTOR OF PUBLIC SERVICE SHALL SO NOTIFY THE DIRECTOR OF FINANCE. THE DIRECTOR OF FINANCE SHALL CERTIFY THE ADMINISTRATIVE FEE TO THE COUNTY AUDITOR. IN ADDITION TO THE ADMINISTRATIVE FEE, AN INTEREST RATE EQUAL TO THE CURRENT RATE OF INTEREST CHARGED BY THE CITY ON SPECIAL ASSESSMENTS SHALL BE IMPOSED BY THE CITY FOR THE LIFE OF THE ADMINISTRATIVE FEE, ADDED TO THE ADMINISTRATIVE FEE, **AND** COLLECTED AS PROVIDED IN THIS SECTION. THE DIRECTOR OF FINANCE SHALL THEN CERTIFY THE AMOUNT OF THE ADMINISTRATIVE FEE, INCLUDING INTEREST, TO THE COUNTY AUDITOR. THE COUNTY AUDITOR SHALL ENTER THE AMOUNT ON THE TAX DUPLICATE OF THE COUNTY AS A SPECIAL ASSESSMENT AGAINST THE PERSON'S REAL ESTATE AT ISSUE.

~~H~~ I. Money collected under this section shall be used exclusively for rental unit mandatory inspection purposes.

(Ord. 708-1997; Ord. 769-1996)

Section 12. That Title 15, Chapter 150.00, Section 150.99 of the Code of Ordinances of the City of Akron, Ohio is hereby amended and/or supplemented to read as follows:

150.99 Penalty.

A. Administrative Penalties. In addition to any criminal penalties that may be imposed pursuant to subsection D of this section, any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this chapter shall be subject to following administrative penalties in accordance with the criteria stated in § 150.03(B) of this chapter:

1. For a first offense, ~~an~~ administrative fine of up to one hundred dollars.
 2. For a second offense, an administrative fine of up to five hundred dollars.
 3. For a third offense, an administrative fine of up to one thousand dollars.
- B. If a person, occupant, operator, owner or purchaser fails, neglects or refuses to pay an administrative penalty within the time ordered pursuant to § 150.03 of this chapter, then the Director of ~~Health~~ PUBLIC SERVICE shall so notify the Director of Finance. The Director of Finance shall certify the administrative penalty to the County Auditor. In addition to the administrative penalty, an interest rate equal to the current rate of

Section 13. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is in the best interest of the City to promote efficiency and conserve limited resources by combining inspection services of the two departments into the Department of Public Service, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed January 25, 2010
Rint E. Kutz Clerk of Council
Maurel A. Samuels President of Council
adm.

Approved FEBRUARY 1, 2010
Will C. Phillips
MAYOR

File
Mayor
Muni Code
Muni Ct. (Larson Library)
Prosecutors
Abren Law Lib.
Abren U-Law Lib.
Ken Kuckkuck, Court Adm
John Ector, Cust. Serv.
Sew. Div.

31.39 - Department of Neighborhood Assistance.

The Department of Neighborhood Assistance is created to improve the quality of life in the neighborhoods through timely and efficient response to complaints of problems that directly affect the neighborhoods. The Director of Neighborhood Assistance shall be responsible for the management and operation of the Divisions of Administration, Housing, 311 Call Center, and Nuisance Compliance, and the Recreation Bureau, and shall respond to complaints of nuisances, littering, maintenance and clearing of sidewalks, housing, and others as assigned from time to time.

(Ord. 210-2012)

